

**Unofficial Draft Copy**

As of: June 7, 2018 (3:04pm)

LCCF05

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act requiring the department of public health and human services to review rules, policies, and procedures related to community developmental disabilities services for cost effectiveness; requiring the department to eliminate rules that are duplicative or not cost effective; and amending section 53-20-203, MCA."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Regulatory streamlining.** (1) The department shall review any administrative rule, policy, or procedure for developmental disabilities services that was adopted for a purpose other than to comply with federal laws or regulations. In conducting the review, the department shall:

(a) determine the costs and benefits to providers and the state of continuing the rule, policy, or procedure;

(b) eliminate rules, policies, or procedures that are determined not to be cost effective;

(c) eliminate duplication in oversight and monitoring requirements; and

(d) review whether the rule, policy, or procedure is being implemented consistently across the designated developmental disabilities regions and by department staff and contractors and

**Unofficial Draft Copy**

As of: June 7, 2018 (3:04pm)

LCCF05

make adjustments as necessary.

(2)(a) The department shall develop a written plan that:

(i) provides for the initial review of the rules, policies, and procedures; and

(ii) establishes a process and timeline for ongoing review of rules, policies, and procedures as provided in subsection (1).

(b) The department shall provide a copy of the plan to the children, families, health, and human services interim committee.

(3) The department shall include providers of developmental disabilities services and other interested parties in the review required under this section.

**Section 2.** Section 53-20-203, MCA, is amended to read:

**"53-20-203. Responsibilities of department.** The department shall:

(1) take cognizance of matters affecting the citizens of the state who are persons with developmental disabilities;

(2) initiate a preventive developmental disabilities program that must include but not be limited to the implementation of developmental disabilities care, treatment, prevention, and research as can best be accomplished by community-centered services. Every means must be used to initiate and operate the service program in cooperation with local agencies under the provisions of 53-20-205.

(3) collect and disseminate information relating to developmental disabilities;

(4) prepare an annual comprehensive plan for the initiation

**Unofficial Draft Copy**

As of: June 7, 2018 (3:04pm)

LCCF05

and maintenance of developmental disabilities services in the state. The services must include but not be limited to community comprehensive developmental disabilities services as referred to in 53-20-202.

(5) provide by rule for the evaluation of:

(a) persons who apply for services;

(b) persons admitted into a program at a developmental disability facility; and

(c) persons residing at or released from the Montana developmental center into a community home, in accordance with the requirements established in 53-20-225;

(6) carry out the review of administrative rules, policies, and procedures provided for in [section 1] and apply for any waiver amendments needed to eliminate or change a rule, policy, or procedure found by the review to be unnecessary, duplicative, or in need of revision;

~~(6)~~(7) receive from agencies of the government of the United States and other agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions to initiate and maintain developmental disabilities services within the state;

~~(7)~~(8) require that habilitation plans be developed, implemented, and continuously maintained for all persons with developmental disabilities who are served through a community-based program funded by the state; and

~~(8)~~(9) use funds available for cases in which special

**Unofficial Draft Copy**

As of: June 7, 2018 (3:04pm)

LCCF05

medical or material assistance is necessary to rehabilitate children with developmental disabilities or children with physical disabilities if the assistance is not otherwise provided for by law."

{*Internal References to 53-20-203: None.*}

NEW SECTION. **Section 3. Direction to the department of public health and human services.** The department of public health and human services shall develop the plan required under [section 1(2)] by Jan. 1, 2020.

NEW SECTION. **Section 4. {standard} Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2, apply to [section 1].

- END -

{Name : Sue O'Connell  
Title : Research Analyst  
Agency: Legislative Services Division-136B  
Phone : (406) 444-3597  
E-Mail: soconnell@mt.gov}